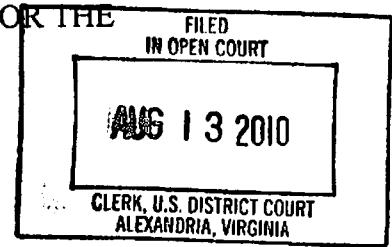


IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division



UNITED STATES OF AMERICA )  
                            )  
                            v. ) CRIMINAL NO. 10CR135  
                            )  
PHILLIP LEE KELLEY,     )  
                            )  
Defendant.              )

STATEMENT OF FACTS

The parties stipulate that the allegations in the Criminal Information and the following facts are true and correct, and that had the matter gone to trial the United States would have proven them beyond a reasonable doubt.

1. Beginning in or about July 2009, the exact date being unknown, and continuing thereafter until on or about October 22, 2009, in the Eastern District of Virginia and elsewhere, the defendant, PHILLIP LEE KELLEY ("KELLEY"), did unlawfully, knowingly, and intentionally combine, conspire, confederate, and agree with other persons, both known and unknown, to unlawfully, knowingly, and intentionally distribute 5 kilograms or more of a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 846 and 841(a)(1).
2. From in or about July 2009 through on or about October 22, 2009, KELLEY received multi-ounce quantities of cocaine from EDWIN SALGUERO and DAVID AMAYA for further distribution in furtherance of the conspiracy. EDWIN SALGUERO and DAVID AMAYA transported the cocaine from the Eastern District of Virginia and elsewhere.

3. From in or about July 2009 through on or about October 22, 2009, KELLEY then distributed the multi-ounce quantities of cocaine to numerous co-conspirators.
4. During the course of the conspiracy, KELLEY and others utilized cellular telephones to discuss cocaine transactions.
5. During the course of and in furtherance of his participation in the conspiracy, the defendant, PHILLIP LEE KELLEY, was personally involved in the distribution of, or it was reasonably foreseeable to the defendant that the co-conspirators distributed in furtherance of the conspiracy, at least 5 kilograms but less than 15 kilograms of cocaine.
6. The acts taken by the defendant, PHILLIP LEE KELLEY, in furtherance of the offense charged in this case, including the acts described above, were done willfully and knowingly with the specific intent to violate the law. The defendant acknowledges that the foregoing statement of facts does not describe all of the defendant's conduct relating to the offense charged in this case nor does it identify all of the persons with whom the defendant may have engaged in illegal activities. The defendant further acknowledges that he is obligated under his plea agreement to provide additional information about this case beyond that which is described in this statement of facts.

Respectfully submitted,

Neil H. MacBride  
United States Attorney

By:



Scott B. Nussbaum  
Special Assistant United States Attorney

After consulting with my attorney and pursuant to the plea agreement entered into this day between the defendant, PHILLIP LEE KELLEY, and the United States, I hereby stipulate that the above Statement of Facts is true and accurate, and that had the matter proceeded to trial, the United States would have proved the same beyond a reasonable doubt.

  
\_\_\_\_\_  
PHILLIP LEE KELLEY

I am PHILLIP LEE KELLEY'S attorney. I have carefully reviewed the above Statement of Facts with him. To my knowledge, his decision to stipulate to these facts is an informed and voluntary one.

  
\_\_\_\_\_  
Ferris Bond, Esquire  
Attorney for PHILLIP LEE KELLEY